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Date of Signature and Deposit: September 14, 2009

/Bennett J. Berson/

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Alfred W. Widmer
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Date: September 14, 2009

Serial No.: 10/579,263

Group Art Unit: 1625

Filed: July 1, 2008

Examiner: Binta M. Robinson

Title: BIS-CATIONIC COMPOUNDS
AND USE THEREOF

File No.: 990784.00004

Confirmation No.: 6586

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Claims 1-17 are pending in this application. In an Office Action dated August 13, 2009, the Examiner imposed a restriction requirement and an election of species requirement in the above-identified application. Accordingly, Applicants provisionally elect Group I (Claims 1-8) with traverse. Applicants provisionally elect as a single species for examination the compound 1,12-bis (trisopentylammonium)dodecane with traverse. Claims 1-8 encompass the elected species.

Applicants traverse the restriction requirement in that such requirements are optional in all cases (MPEP §803). If the search and examination of a set of claims can be made without serious burden, the Examiner must examine them on the merits, even though they may arguably be directed at distinct or independent inventions (MPEP §803). Applicants submit that

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restriction Groups I and II pertain to highly related subject matter. A search involving these restriction groups would cover the same art, and the scope of the searches would overlap significantly. Because the restriction groups are closely related, it will be unnecessarily burdensome to both the Applicants and the Patent Office to consider the related subject matter of the restriction groups in separate patent applications.

Applicants traverse the election of species requirement in that the compounds of Claim 8 are linked to form a single inventive concept (PCT Rule 13.1) by Claim 1 from which Claim 8 depends. Specifically, all compounds are defined by formula I of Claim 1 and, thus, bear great structural similarity. Reconsideration is respectfully requested.

Fees

No fee is believed due in connection with this submission. However, if a fee is due, in this or any subsequent response, please charge the fee to Deposit Account No. 17-0055. Likewise, no extension of time is believed due, but should any extension be required in this or any subsequent response, please consider this to be a petition for the appropriate extension of time and a request to charge the petition fee due to the same Deposit Account.

Respectfully submitted,

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